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7
8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. VN-2006-2384

12 **ALANA MARIE SWIFT**
19004 Allingham Avenue
Cerritos, CA 90703

A C C U S A T I O N

13 Vocational Nurse License No. VN 219216

14 Respondent.

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16 Complainant alleges:

17 **PARTIES**

18 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
19 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
20 Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs.

21 2. On or about February 21, 2006, the Board issued Vocational Nurse
22 License No. VN 219216 to Alana Marie Swift (Respondent). The Vocational Nurse License was
23 in full force and effect at all times relevant to the charges brought herein and will expire on
24 September 30, 2009, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority of the
27 following laws. All section references are to the Business and Professions Code (Code) unless
28 otherwise indicated.

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1 “(c) Be convicted of a criminal offense involving possession of any narcotic or
2 dangerous drug, or the prescription, consumption, or self-administration of any of the substances
3 described in subdivisions (a) and (b) of this section, in which event the record of the conviction
4 is conclusive evidence thereof.”

5 8. Section 490 of the Code provides, in pertinent part, that the Board may
6 suspend or revoke a license when it finds that the licensee has been convicted of a crime
7 substantially related to the qualifications, functions or duties of a licensed vocational nurse.

8 9. California Code of Regulations, title 16, section 2521, states:

9 “For the purposes of denial, suspension, or revocation of a license pursuant to
10 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or
11 act shall be considered to be substantially related to the qualifications, functions or duties of a
12 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a
13 licensed vocational nurse to perform the functions authorized by his license in a manner
14 consistent with the public health, safety, or welfare.

15 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
16 request the administrative law judge to direct a licentiate found to have committed a violation or
17 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
18 and enforcement of the case.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Conviction of a Substantially Related Crime)**

21 11. Respondent is subject to disciplinary action under sections 2878,
22 subdivision (f) and 490 , as defined in California Code of Regulations, title 16, section 2521, in
23 that Respondent was convicted of a crime substantially related to the qualifications, functions, or
24 duties of a licensed vocational nurse, as follows:

25 a. On or about July 16, 2007, Respondent was convicted by the Court on a
26 plea of nolo contendere for violating Vehicle Code section 23109(c), a misdemeanor (engaging
27 in a motor vehicle exhibition of speed on a highway), in the Superior Court of Los Angeles,

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1 County of Los Angeles, Los Angeles Judicial District, Case No. 7MP06780 entitled *The People*
2 *of the State of California v. Alana Marie Swift*.

3 b. The circumstances surrounding the conviction are that on or about June
4 16, 2007, during a traffic stop for speeding, Respondent exhibited objective symptoms of
5 intoxication. Respondent admitted to the officers that she had consumed alcoholic beverages.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Dangerous Use of Alcohol)**

8 12. Respondent is subject to disciplinary action under section 2878,
9 subdivision (a) of the Code, on the grounds of unprofessional conduct, in conjunction with
10 section 2878.5, subdivision (b), in that on or about June 16, 2007, California Highway Patrol
11 officers arrested Respondent upon a routine traffic stop for speeding and having a tested blood
12 alcohol level of 0.10%. The circumstances are as described in paragraph 11 above, and are
13 incorporated herein by reference as if fully set forth.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Alcohol Related Conviction)**

16 13. Respondent is subject to disciplinary action under section 2878,
17 subdivision (a) of the Code, on the grounds of unprofessional conduct, in conjunction with
18 section 2878.5, subdivision (c), in that on or about July 16, 2007, Respondent was convicted of a
19 crime involving the use of alcohol. The circumstances are as described in paragraphs 11 and 12
20 above, and are incorporated herein by reference as if fully set forth.

21 **DISCIPLINE CONSIDERATIONS**

22 14. To determine the degree of discipline, if any, to be imposed on
23 Respondent, Complainant alleges that:

24 a. On or about June 21, 2002, Respondent was convicted by the Court on a
25 guilty plea for violating Health and Safety Code sections 11377(a), a felony (possession of a
26 controlled substance) and 11357(a), a felony (possession of a concentrated cannabis), in the
27 Superior Court of the State of California, County of Orange, Santa Ana Judicial District, Case
28 No. 02NF1650MA entitled *The People of the State of California v. Alana Marie Swift*. On or

1 about November 19, 2003, the Court ordered both violations reduced to a misdemeanor, pursuant
2 to Penal Code section 17(b).

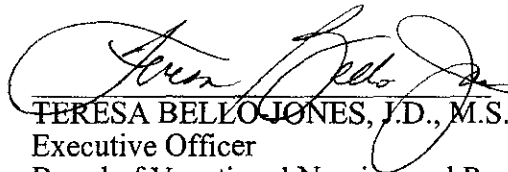
3 b. The circumstances surrounding the conviction are that on or about April
4 23, 2002, Respondent was found to be in possession of Marijuana, a controlled substance and
5 psilocybin mushrooms, a concentrated cannabis.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board issue a decision:

- 9 1. Revoking or suspending Vocational Nurse License No. VN 219216,
10 issued to Alana Marie Swift;
- 11 2. Ordering Alana Marie Swift to pay the Board the reasonable costs of the
12 investigation and enforcement of this case, pursuant to Business and Professions Code section
13 125.3;
- 14 3. Taking such other and further action as deemed necessary and proper.

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16 DATED: May 14, 2008

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20 TERESA BELLO JONES, J.D., M.S.N., R.N.
21 Executive Officer
22 Board of Vocational Nursing and Psychiatric Technicians
23 State of California
24 Complainant
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